

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|-----------------------|---|------------------------------------|
| DARIEN HOUSER, |) | |
| |) | |
| Petitioner, |) | |
| |) | Civil Action No. 10-0416 |
| v. |) | District Judge Donetta W. Ambrose |
| |) | Magistrate Judge Cynthia Reed Eddy |
| JEFFREY BEARD, et al, |) | |
| |) | |
| Respondents. |) | |
| |) | |
| |) | |

MEMORANDUM ORDER

Plaintiff Darien Houser is an inmate at the State Correctional Institution at Greene (“SCI-Greene”) in Waynesburg, Pennsylvania. Plaintiff filed this cause of action against 38 Defendants on March 29, 2010, alleging claims arising from the Civil Rights Act of 1871, 42 U.S.C. § 1983, the Americans with Disabilities Act, 42 U.S.C. § 12101, and various state tort laws. (ECF No. 4). On August 4, 2010, this case was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and the local rules of court. Remaining Defendants are Superintendent Louis S. Folino of the Pennsylvania Department of Corrections and several health care providers of services at SCI-Greene.

On July 30, 2013, the Magistrate Judge filed at (ECF No. 184) a Memorandum and Order Regarding “Plaintiff’s Objections & Response to Magistrate Judge Order and Defendants Response to Plaintiff’s Objections” (ECF No. 169); “Response to Magistrate Judge Amend Case Management Order” (ECF No. 170); and “Notice” (ECF No. 171). The Memorandum and Order was mailed to Petitioner at his listed address, and on August 20 and 21, 2013, Petitioner filed four motions: three for reconsideration and other relief, and one for a preliminary injunction. (ECF No. 187-190). The motion docketed at (ECF No. 188) is entitled “Plaintiff’s Response/

Objections/ and Motion for Reconsideration to Magistrate Memorandum and Order (doc. 184).”

This Court deems this motion to be in the nature of an appeal by objections to a non-dispositive matter decided by the Magistrate Judge.

A United States Magistrate Judge may hear and determine any non-dispositive pretrial matter pending before the Court, subject to the aggrieved party’s right to appeal the determination to the District Court, which will only reverse the Magistrate Judge's decision on such matters if it is “clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A); Fed.R.Civ.P. 72(a); LCvR 72.1(C)(2) (“The District Judge assigned to the case shall consider the objections and set aside any portion of the Magistrate Judge's order found to be clearly erroneous or contrary to law.”).

After de novo review of the pleadings and documents in the case, including careful consideration of “Plaintiff’s Response/ Objections/ and Motion for Reconsideration to Magistrate Memorandum and Order (doc. 184)” (ECF No. 188), the Court finds the Magistrate Judge’s Memorandum and Order (ECF No. 184) is not clearly erroneous or contrary to law. Therefore, Plaintiff’s objections are overruled and said Memorandum and Order is AFFIRMED and ADOPTED as the Opinion of the Court.

Dated: 8/22/13

s/ Donetta W. Ambrose
Donetta W. Ambrose
United States District Judge

cc:
Darien Houser
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